IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

OP.No. 21117 of 2000(L)

PETITIONER:

XAVIER A.K., ALUMGAL HOUSE,
CHANDIROOR P.O., ALLEPPEY DISTRICT.

BY ADV. SRI.K.G.UNNIKRISHNAN NAIR

RESPONDENTS:
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1. **ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL DIVISION,
   KERALA STATE ELECTRICITY BOARD,
   AROOR P.O. ALAPPUZHA DISTRICT.

2. **ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL MAJOR SECTION,
   KERALA STATE ELECTRICITY BOARD
   KUTHIATHODE, P.O., ALAPPUZHA DISTRICT.

3. **KERALA STATE LECTRICITY BOAR,**
   REP.BY ITS SECRETARY, PATTOM PALACE,P.O.,
   THIRUVANANTHAPURAM.

BY ADV. SRI.ASOK M.CHERIYAN, SC, KSEB
SRI.N.D.PREMACHANDRAN, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NOS. 35317/2000, 9265/2003 IN OP. NO. 21117/2000

DISMISSED

13.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTICE ISSUED TO THE PETITIONER BY THE BOARD FOR THE MONTH OF SEPTEMBER 99.

EXT.P2:- COPY OF THE NOTICE ISSUED TO THE PETITIONER BY THE BOARD FOR THE MONTH OF OCTOBER, 99.

EXT.P3:- COPY OF THE NOTICE ISSUED TO THE PETITIONER BY THE ELEC. BOARD FOR THE MONTH OF DECEMBER 99.

EXT.P4:- COPY OF THE RECEIPT DT. 4.1.2000 ISSUED TO THE PETITIONER BY THE ELECTRICIT BOARD.

EXT.P5:- COPY OF THE BILL DT. 14.2.2000 ISSUED TO THE PETITIONER BY THE ELECTRICITY BOARD.

EXT.P6:- COPY OF THE LETTER DT. 29.4.2000 ADDRESSED TO THE 2ND RESPONDENT BY THE PETITIONER.

EXT.P7:- COPY OF THE NOTICE RECEIVED FORM THE ELEC. BOARD TO THE PETITIONER.

EXT.P8:- COPY OF THE NOTICE DT.9.6.2000 FROM THE ELECTRICITY BOARD THE PETITIONER.

EXT.P9:- COPY OF THE NOTICE RECEIVED BY THE PETITIONER DT. 12.6.2000.

/TRUE COPY/

P.A. TO JUDGE

tss

KURIAN JOSEPH J.

O.P. NO.21117 OF 2000

Dated 13th June, 2007.

J U D G M E N T

The issue pertains to certain disputes with regard to the assessment during the period of alleged meter default. According to the petitioner, the matter should have been referred for adjudication by the Electrical Inspector. In view of the efflux of time, at this stage, it may not be possible to refer the matter to be examined by the Electrical Inspector. The only way to give a quietus to the whole dispute is to direct the appellate authority of the respondents to look into the matter and take steps to issue a revised bill for the disputed period, taking note of the average of the consumption, either for the previous six months of the alleged meter default or for the period subsequent to the installation of the new meter, whichever is more advantageous to the consumer. There will be a direction to that effect. The impugned proceedings and demands are quashed with a direction to the respondents to issue a revised bill as above. It is made clear that the assessment as above shall be limited to a period of six months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

KURIAN JOSEPH, J.

O.P. NO.21777 OF 2000 (L)

J U D G M E N T

Dated 13th June, 2007.